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10/537,456	06/03/2005	Mark Henricus Verberkt	PHNLO21495US	2664
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/537,456

Applicant(s)

VERBERKT ET AL.

Examiner

JUNIOR O. MENDOZA

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/ISD)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 06/03/2005

DETAILED ACTION

Specification

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or 3amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The specification should be broken down into sections.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 – 3, 5 – 11, 15, 17 and 19 – 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hofrichter et al. (PCT WO 02/37217) in view of Rodriguez et al. (Pub No US 2003/0005454). Hereinafter referenced as Hofrichter and Rodriguez, respectively.

Regarding **claim 1**, Hofrichter discloses a method of controlling content rendering to one or more content rendering devices associated with a consumer environment (Identifying, accessing and managing service applications for use with associated consumer electronic devices in a home network system, page 3 lines 14-22 also exhibited on fig 1) comprising:

a) receiving an initial content reference from within the consumer environment (A gateway [14] provides a GUI service selection menu on the display device [42] enabling a user to select a particular device and an associated application, page 9 lines 3-7 also exhibited on fig 1)

It is noted that Hofrichter fails to explicitly disclose identifying zero or more equivalent content references associated with the initial content reference; selecting a

preferred equivalent content reference associated with the consumer environment from the initial content reference and the equivalent content references and rendering a content instance described by the preferred equivalent content reference on a first content rendering device. However, Rodriguez discloses:

b) identifying zero or more equivalent content references associated with the initial content reference (A user decides what media content they wish to access by selecting it from the interactive program guide, paragraph [0100]; Once a media content has been decided, the user is presented with content quality options for the very same media content, where the choices can be high definition or standard definition content, paragraph [0100] also exhibited on fig 22);

c) selecting a preferred equivalent content reference associated with the consumer environment from the initial content reference and the equivalent content references (The user selects whatever media content quality they prefer; moreover, the price may change depending on the type of media content quality that was chosen and the download time option, paragraph [0100] and [0101] also exhibited on fig. 22 and 23)

d) rendering a content instance described by the preferred equivalent content reference on a first content rendering device (Screen [2212] of television [441] displays an image from the media content to be purchased, which can also be accessed after it has been downloaded, paragraph [0100] also exhibited on fig 22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hofrichter by specifically providing the elements mentioned above, as taught by Rodriguez, for the purpose of providing more options to

the user, where they can get access to the same content in different forms that may vary in price, which means that customers who could not afford to get said content at regular price may be able to get it at cheaper prices, augmenting company revenues.

Regarding **claim 2**, Hofrichter and Rodriguez disclose the method as set forth in claim 1, moreover, Hofrichter discloses that the first content rendering device is selected from the group consisting of a radio, an audio telephone, a personal digital assistant, a personal computer, a television, a video telephone, and similar devices (Content can be distributed to computer [50], PDA [52], Audio device [56], television [60], etc., as exhibited on fig. 1).

Regarding **claim 3**, Hofrichter and Rodriguez disclose the method as set forth in claim 1; moreover, it is noted that Hofrichter fails to explicitly disclose that the initial content reference is received from a user interface associated with the consumer environment.

However, Rodriguez discloses that the initial content reference is received from a user interface associated with the consumer environment (A user decides what media content they wish to access by selecting it from the interactive program guide, paragraph [0100]; where the interactive program guide is stored at the DHCT [16] in a IPG [377] memory, paragraph [0066] also exhibited on fig 4)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hofrichter by specifically providing the elements

mentioned above, as taught by Rodriguez, for the purpose of providing an interface that allows a user to navigate, manage and select content they want to request.

Regarding **claim 5**, Hofrichter and Rodriguez disclose the method as set forth in claim 1; moreover, it is noted that Hofrichter fails to explicitly disclose that the equivalent content instances include at least one of the group consisting of audio content instances, video content instances, and multimedia content instances.

However, Rodriguez discloses that the equivalent content instances include at least one of the group consisting of audio content instances, video content instances, and multimedia content instances (The user is presented with content quality options for the very same media content, where the choices can be high definition or standard definition television/sound, paragraph [0100] also exhibited on fig 22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hofrichter by specifically providing the elements mentioned above, as taught by Rodriguez, for the purpose of providing a variety of content options for the user, since customers have different preferences.

Regarding **claim 6**, Hofrichter and Rodriguez disclose the method as set forth in claim 1; moreover, it is noted that Hofrichter fails to explicitly disclose that prior to step a), further including: compiling one or more equivalent content references for content instances available to the consumer environment.

However, Rodriguez discloses that prior to step a), further including: compiling one or more equivalent content references for content instances available to the consumer environment (Headend [11] includes the video on demand servers [322] which contains the content that can be requested by the viewers, paragraph [0049] also exhibited on fig 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hofrichter by specifically providing the elements mentioned above, as taught by Rodriguez, for the purpose of including on the content guide interface provided to each user, all the content options available for them.

Regarding **claim 7**, Hofrichter and Rodriguez disclose the method as set forth in claim 6; moreover, it is noted that Hofrichter fails to explicitly disclose that the equivalent content references are compiled by a content equivalency server associated with the consumer environment.

However, Rodriguez discloses that the equivalent content references are compiled by a content equivalency server associated with the consumer environment (Headend [11] includes the video on demand servers [322] which contains the content that can be requested by the viewers, paragraph [0049] also exhibited on fig 3, where the video on demand servers also include high definition or standard definition options for the same program as exhibited on fig 22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hofrichter by specifically providing the elements

mentioned above, as taught by Rodriguez, for the purpose of including a main server that contains all the information available to customers, which allows the easy manageability and distribution of information from a server to a group of receivers.

Regarding **claim 8**, Hofrichter and Rodriguez disclose the method as set forth in claim 7; moreover, it is noted that Hofrichter fails to explicitly disclose that the equivalent content references are at least partially generated from *one or more of*: links associated with one or more available content instances to one or more equivalent content instances; metadata associated with one or more available content instances; *the content equivalency server*; and an equivalent content information provider and communicated to the content equivalency server.

However, Rodriguez discloses that the equivalent content references are at least partially generated from *one or more of*: links associated with one or more available content instances to one or more equivalent content instances; metadata associated with one or more available content instances; *the content equivalency server*; and an equivalent content information provider and communicated to the content equivalency server (The content manager [321] is responsible for managing the content on the VOD content server [322], paragraph [0056], where the content availability information from the VOD server is sent to the DHCT [16] to recreate a user interface, paragraph [0049] also exhibited don fig 3) .

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hofrichter by specifically providing the elements

mentioned above, as taught by Rodriguez, for the purpose of including a main server that contains all the information available to customers, which allows the easy manageability and distribution of information from a server to a group of receivers.

Regarding **claim 9**, Hofrichter and Rodriguez disclose the method as set forth in claim 1; moreover, Hofrichter discloses that the preferred equivalent content reference is selected automatically (Home gateway device automatically provides users of a home network system with applications and media content that may be used in each particular device connected to the home network, page 4 lines 19-21 also exhibited on fig 1).

Regarding **claim 10**, Hofrichter and Rodriguez disclose the method as set forth in claim 9; moreover, Hofrichter discloses that the automatic selection is at least partially based on *at least one of*: a cost to render a content instance associated with the preferred equivalent content reference; quality of the content instance associated with the preferred equivalent content reference; and *a user profile/preference restricting the types of equivalent content that are identified* (User preferences may be generated automatically based on media content previously accessed by the user in the home network system, page 12 lines 17-21 also exhibited on fig 1).

Regarding **claim 11**, Hofrichter and Rodriguez disclose the method as set forth in claim 1; moreover, it is noted that Hofrichter fails to explicitly disclose that the preferred equivalent content reference is selected by a user from a user interface associated with the consumer environment.

However, Rodriguez discloses that the preferred equivalent content reference is selected by a user from a user interface associated with the consumer environment (The user selects whatever media content quality they prefer; moreover, the price may change depending on the type of media content quality that was chosen and the download time option, paragraph [0100] and [0101] also exhibited on fig. 22 and 23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hofrichter by specifically providing the elements mentioned above, as taught by Rodriguez, for the purpose of providing more flexibility to the user, who can select at any given moment whatever content information they prefer.

Regarding **claim 15**, Hofrichter and Rodriguez disclose the method as set forth in claim 1; moreover, Hofrichter discloses further including between steps b) and d): selecting a preferred content rendering device associated with the consumer environment, the preferred content rendering device being compatible with a content instance associated with the preferred equivalent content reference, the content rendered in step d) being rendered on the preferred content rendering device (Providing a GUI service selection menu on the display device enabling a user to select an application for providing processes associated with at least one of the devices of the

home network system and dynamically loading and unloading selected application to initiate the performance of processes associated with the selected devices, Page 11 lines 7-12 also exhibited on fig 1).

Regarding **claim 17**, Hofrichter and Rodriguez disclose the method as set forth in claim 15; moreover, Hofrichter discloses that the preferred content rendering device is selected by a user from a user interface associated with the consumer environment (The user implement a GUI service selection menu, Page 11 lines 7-12 also exhibited on fig 1).

Regarding **claim 19**, Hofrichter and Rodriguez disclose the elements claimed; therefore, claim 19 is rejected for the same reasons as claim 1.

Regarding **claim 20**, Hofrichter and Rodriguez disclose the elements claimed; therefore, claim 20 is rejected for the same reasons as claim 15

Regarding **claim 21**, Hofrichter discloses a consumer environment, comprising:
a consumer network (Home network system as exhibited on fig 1);
a receiver in communication with the consumer network and adapted to receive a plurality of content instances from service providers (Home gateway device [14] as exhibited on fig 1);

and a controller in communication with the consumer network to receive a content reference and, based on the content reference, 1) to select a preferred content reference from a plurality of content references describing the plurality of content instances and 2) to render a content instance described by the preferred content reference to the first content rendering device (Management system [32] as exhibited on fig 1).

It is noted that Hofrichter fails to explicitly disclose a content equivalency server in communication with the consumer network to store content equivalency information associated with the plurality of content instances and a first content rendering device in communication with the consumer network, for selectably rendering a particular content instance. However, Rodriguez discloses:

a content equivalency server in communication with the consumer network to store content equivalency information associated with the plurality of content instances (Headend [11] includes the video on demand servers [322] which contains the content that can be requested by the viewers, paragraph [0049] also exhibited on fig 3; where the Headend [11] is in communication with the home network system).

a first content rendering device in communication with the consumer network, for selectably rendering a particular content instance (Screen [2212] of television [441] displays an image from the media content to be purchased, which can also be accessed after it has been downloaded, paragraph [0100] also exhibited on fig 22, where the television [441] is connected to DHCT [16]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hofrichter by specifically providing the elements mentioned above, as taught by Rodriguez, for the purpose of providing more options to the user, where they can get access to the same content in different forms that may vary in price, which means that customers who could not afford to get said content at regular price may be able to get it at cheaper prices, augmenting company revenues.

4. **Claims 4, 13 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hofrichter in view of Rodriguez further in view of Morrison (Patent No 5,900,915). Hereinafter referenced as Morrison.

Regarding **claim 4**, Hofrichter and Rodriguez disclose the method as set forth in claim 1; however, it is noted that Hofrichter and Rodriguez fail to explicitly disclose that the initial content reference is received from a first content rendering device associated with the consumer environment. Nevertheless, Morrison discloses that the initial content reference is received from a first content rendering device associated with the consumer environment (A user can select either a SD program or a HD program by changing to different channels, as exhibited on figures 4 and 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hofrichter and Rodriguez by specifically providing the elements mentioned above, as taught by Morrison, for the purpose of

providing shortcuts to the user to change from on equivalent content to another, which saves time and becomes more efficient.

Regarding **claim 13**, Hofrichter and Rodriguez disclose the method as set forth in claim 1; however, it is noted that Hofrichter and Rodriguez fail to explicitly disclose determining that an alternate content reference is preferred and returning to step b). Nevertheless, Morrison discloses determining that an alternate content reference is preferred and returning to step b) (The user can switch between HDTV and SDTV programs as they wish, just by selecting another program from the electronic program guide, col. 3 lines 16-34 also exhibited on fig 4 and 5)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hofrichter and Rodriguez by specifically providing the elements mentioned above, as taught by Morrison, for the purpose of providing the capabilities to the users to change their minds and watch whatever they might prefer at any given time.

Regarding **claim 14** Hofrichter and Rodriguez disclose the method as set forth in claim 1; however, it is noted that Hofrichter and Rodriguez fail to explicitly disclose determining that an alternate equivalent content reference is preferred and returning to step c). Nevertheless, Morrison discloses determining that an alternate equivalent content reference is preferred and returning to step c) (The user can switch between

HDTV and SDTV programs as they wish, just by selecting another program from the electronic program guide, col. 3 lines 16-34 also exhibited on fig 4 and 5)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hofrichter and Rodriguez by specifically providing the elements mentioned above, as taught by Morrison, for the purpose of providing the capabilities to the users to change their minds and watch whatever they might prefer at any given time.

5. **Claims 16, 18 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hofrichter in view of Rodriguez further in view of Laksono (Patent No 7,099,951). Hereinafter referenced as Laksono.

Regarding **claim 16**, Hofrichter and Rodriguez disclose the method as set forth in claim 15; however, it is noted that Hofrichter and Rodriguez fail to explicitly disclose that the preferred content rendering device is selected automatically. Nevertheless, Laksono discloses that the preferred content rendering device is selected automatically (When the client requests a multimedia service, the processing module processes the request and determines whether the request can be fulfilled based on resource availability; maintaining a list of resources and choosing the best match, col. 62 lines 13-56 also exhibited on fig 65)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hofrichter and Rodriguez by specifically providing the elements mentioned above, as taught by Laksono, for the purpose of providing content in the best way possible, which allows a user to have a better experience.

Regarding **claim 18** Hofrichter and Rodriguez disclose the method as set forth in claim 15; moreover, Hofrichter discloses that when a new device is connected to the home network the service manager determined whether any applications are compatible with the new device, page 11 lines 18-27.

However, Hofrichter and Rodriguez fail to explicitly disclose determining that an alternate content rendering device is preferred and returning to step c). Nonetheless, Laksono disclose determining that an alternate content rendering device is preferred and returning to step c) (When the client requests a multimedia service, the processing module processes the request and determines whether the request can be fulfilled based on resource availability; maintaining a list of resources and choosing the best match, col. 62 lines 13-56 also exhibited on fig 65)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hofrichter and Rodriguez by specifically providing the elements mentioned above, as taught by Laksono, for the purpose of providing content in the best way possible, which allows a user to have a better experience.

Regarding **claim 22**, Hofrichter and Rodriguez disclose the consumer environment as set forth in claim 21; moreover, Hofrichter discloses one or more additional content rendering devices, each in communication with the consumer network, for selectably rendering a content instance (The home network system includes different devices where the content can be distributed to computer [50], PDA [52], Audio device [56], television [60], etc., as exhibited on fig. 1). A controller (Management system [32] as exhibited on fig 1).

However, Hofrichter and Rodriguez fail to explicitly disclose that the controller is to select a preferred content rendering device from the first and additional content rendering devices based on the initial content reference, wherein the content instance rendered by the controller is rendered to the preferred content rendering device (When the client requests a multimedia service, the processing module processes the request and determines whether the request can be fulfilled based on resource availability; maintaining a list of resources and choosing the best match, col. 62 lines 13-56 also exhibited on fig 65)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hofrichter and Rodriguez by specifically providing the elements mentioned above, as taught by Laksono, for the purpose of providing content in the best way possible, which allows a user to have a better experience.

6. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hofrichter in view of Rodriguez further in view of Okura et al. (Patent No 6,487,722). Hereinafter referenced as Okura.

Regarding **claim 12**, Hofrichter and Rodriguez disclose the method as set forth in claim 11; however, it is noted that Hofrichter and Rodriguez fail to explicitly disclose that a suggested preferred equivalent content reference is automatically provided to the user via the user interface prior to selection of the preferred equivalent content reference by the user. Nevertheless, Okura discloses that a suggested preferred equivalent content reference is automatically provided to the user via the user interface prior to selection of the preferred equivalent content reference by the user (A suggested preferred equivalent program is shown in the user interface for users who wish to spend less money in order to obtain the content, by including a discount indicia on the channel on which the program will be available, col. 10 lines 22-52 also exhibited on fig 6)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hofrichter and Rodriguez by specifically providing the elements mentioned above, as taught by Okura, for the purpose of providing more choices for the users, which allows to provide a better service and attract future customers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junior O Mendoza
Examiner
Art Unit 2623

/J. O. M./
March 16, 2008

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2623

